

Kevin T. Simon - SBN 180967  
SIMON RESNIK HAYES LLP  
Attorneys at Law  
15233 Ventura Blvd., Suite 250  
Sherman Oaks, CA 91403  
Telephone: (818) 783-6251  
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Email: kevin@srhlawfirm.com

Attorney for Debtor,  
Robert Benjamin Sautter

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY DIVISION**

In re

ROBERT BENJAMIN SAUTTER,

Debtor(s).

ROBERT BENJAMIN SAUTTER,

Movant,

vs.

DAVID SEROR,  
CHAPTER 7 TRUSTEE,

Respondent.

) CHAPTER 7  
) CASE NO.: 1:17-bk-12566-MB

) **DEBTOR'S MOTION TO COMPEL  
) ABANDONMENT OF REAL PROPERTY;  
) DECLARATION OF KEVIN T. SIMON IN  
) SUPPORT THEREOF**

) DATE: December 13, 2017

) TIME: 11:00 AM

) CTRM: 303

) 21041 Burbank Boulevard

) Courtroom 303

) Woodland Hills, CA 91367

TO: THE HONORABLE MARTIN R. BARASH, UNITED STATES BANKRUPTCY  
JUDGE, THE CHAPTER 7 TRUSTEE AND ALL INTERESTED PARTIES:

ROBERT BENJAMIN SAUTTER ("Debtor") hereby files this Motion to Compel  
Abandonment of Real Property as follows:

I.

**INTRODUCTION**

The Debtor seeks an order compelling the Chapter 7 Trustee to abandon real Property located at 3859 Sherwood Place Sherman Oaks, CA 91423 ("the Property"). Debtor seeks to abandon Real Property on the grounds that it is of inconsequential value to the bankruptcy estate.

II.

**THE FACTS**

The Debtor filed the instant case on September 25, 2017. (Attached to the Declaration of Kevin T. Simon as Exhibit "A" true and correct copy of the Court docket.).

Debtor owns Real Property located at 3859 Sherwood Place Sherman Oaks, CA 91423. Debtor's home was completely destroyed in a fire, and the Property now consists only of vacant land. Therefore, there is no equity in the Property. Accordingly, the Debtor seeks to abandon the Property on the grounds that it is of inconsequential value to the bankruptcy estate. Abandonment of the Property will have no adverse effect upon the Chapter 7 Trustee as there is no equitable interest in the property.

III.

**ARGUMENT**

**A. THE PROPERTY IS OF INCONSEQUENTIAL VALUE TO THE DEBTOR'S BANKRUPTCY ESTATE.**

Pursuant to the Local Bankruptcy Rule 6007-1, "Notice of either an intent to abandon or motion to compel abandonment must (a) describe the Property to be abandoned, including the address of the Property, if applicable; (b) state the basis upon which the party seeking abandonment concludes that the Property is burdensome to the estate or that it is of inconsequential value or benefit to the estate."

1 In this instant case, there is no equity in the Property, thus it is of inconsequential value to  
2 Debtor's bankruptcy estate. Thus, the Debtor seeks to compel the Chapter 7 Trustee to abandon  
3 Real Property upon the grounds that the Property is of inconsequential value to Debtor's  
4 bankruptcy estate.

5 The Debtor's Property was completely destroyed in a fire; the Property therefore now  
6 only consists of vacant land. The value of the Property is \$335,000.00 according the Debtor's  
7 Estimated Settlement Statement (Attached to the Declaration of Kevin T. Simon as Exhibit "B"  
8 is a true and correct copy of the Estimated Settlement Statement.).

9 According to a recent mortgage payoff statement, the first deed of trust is held by  
10 Financial Freedom, a Division of CIT Bank, N.A. (hereinafter "First Deed") in the amount of  
11 \$1,027,213.39. (Attached to the Declaration of Kevin T. Simon as Exhibit "C" is a true and  
12 correct copy of the mortgage payoff statement.).

13 According to a recorded mechanic's lien, the mechanic's lien is held by Santa Fe General  
14 Construction, Inc. (hereinafter "Mechanic's Lien") in the amount of \$141,231.00. (Attached to  
15 the Declaration of Kevin T. Simon as Exhibit "D" is a true and correct copy of the recorded  
16 mechanic's lien.).

17 The property is valued at \$335,000.00, which is \$833,444.39 less than the total lien  
18 amounts Financial Freedom, a Division of CIT Bank, N.A. and Santa Fe General Construction,  
19 Inc. hold on the Property for the first deed and mechanic's lien. Therefore, if the Debtor were to  
20 sell his Property, taking into consideration the cost of sale, there is no equity in the Property.

21 Accordingly, Debtor seeks to compel the Chapter 7 Trustee to abandon Real Property  
22 upon the grounds that it is of inconsequential value to Debtor's bankruptcy estate. By the Debtor  
23 abandoning his Property, there will be no adverse effect to the Chapter 7 Trustee.

24 Abandonment pursuant to §§ 554(a) or (b), according to Fed. Rule of Bank. Proc. 6007,  
25 requires notice, a hearing, and an order of the court authorizing the abandonment. The Court has  
26 the authority to order an abandonment under these circumstances and where the asset is of no  
27 benefit to the estate. Pace v. Battley, 146 B.R. 562 146 B.R. 562; 1992 (9<sup>th</sup> Cir. BAP 1992),  
28

1 citing In re Reed, 940 F.2d 1317, 1321 (9th Cir. 1991) and In re Hyman, 123 Bankr. 342, 348  
2 (9th Cir. BAP 1991).

3 11 U.S.C. Section 544(b) provides, inter alia, that on a request by a party in interest, the  
4 court may order the trustee to abandon Property of the estate that is of inconsequential value and  
5 little or no benefit to the estate.

6 Here, the Debtor's Property is of inconsequential value and of no benefit to the estate as  
7 there is no equity in the Property. Thus abandonment of the Property will have no adverse effect  
8 upon the Chapter 7 Trustee.

9  
10 WHEREFORE, the Debtor respectfully requests:

- 11 1. That the Motion be granted;  
12 2. That the Trustee abandon their interest in the Property in the instant case  
13 back to the Debtor;  
14 3. For such other relief as the Court deems just and proper.

15  
16 DATED: November 16, 2017

17 By: 

18 Kevin T. Simon  
19 Attorney for Debtor  
20 Robert Benjamin Sautter  
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**DECLARATION OF KEVIN T. SIMON IN SUPPORT OF**  
**MOTION TO COMPEL ABANDONMENT OF REAL PROPERTY**

I, Kevin T. Simon, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all the below statements.

1. SIMON RESNIK HAYES LLP represents the Debtor, Robert Benjamin Sautter, Case Number: 1:17-bk-12566-MB, which was filed on September 25, 2017. (Attached hereto as Exhibit "A" true and correct copy of the Court docket.).

2. Debtor owns Real Property located at 3859 Sherwood Place Sherman Oaks, CA 91423.

3. Due to the fact that the Property now consists solely of vacant land, there is no equity in the Property. Accordingly, the Debtor seeks to abandon the Property on the grounds that it is of inconsequential value to the bankruptcy estate. Abandonment of the Property will have no adverse effect upon the Chapter 7 Trustee as there is no equitable interest in the property.

4. The Debtor's Property was completely destroyed in a fire; the Property therefore now only consists of vacant land. The value of the Property is \$335,000.00 according the Debtor's Estimated Settlement Statement (Attached hereto as Exhibit "B" is a true and correct copy of the Estimated Settlement Statement.).

5. According to a recent mortgage payoff statement, the first deed of trust is held by Financial Freedom, a Division of CIT Bank, N.A. (hereinafter "First Deed") in the amount of \$1,027,213.39. (Attached hereto as Exhibit "C" is a true and correct copy of the mortgage payoff statement.).

6. According to a recorded mechanic's lien, the mechanic's lien is held by Santa Fe General Construction, Inc. (hereinafter "Mechanic's Lien") in the amount of \$141,231.00. (Attached hereto as Exhibit "D" is a true and correct copy of the recorded mechanic's lien.).

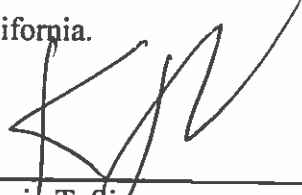
7. The property is valued at \$335,000.00, which is \$833,444.39 less than the total lien amounts Financial Freedom, a Division of CIT Bank, N.A. and Santa Fe General

1 Construction, Inc. hold on the Property for the first deed and mechanic's lien. Therefore, if the  
2 Debtor were to sell his Property, taking into consideration the cost of sale, there is no equity in  
3 the Property.

4 8. Accordingly, Debtor seeks to compel the Chapter 7 Trustee to abandon Real  
5 Property upon the grounds that it is of inconsequential value to Debtor's bankruptcy estate. By  
6 the Debtor abandoning his Property, there will be no adverse effect to the Chapter 7 Trustee.

7  
8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct.

10  
11 Executed on November 16, 2017 at Sherman Oaks California.

12  
13   
14 \_\_\_\_\_  
15 Kevin T. Simon  
16 Attorney for Debtor  
17 Robert Benjamin Sautter  
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# **EXHIBIT “A”**

**Central District of California (San Fernando Valley)****Bankruptcy Petition #: 1:17-bk-12566-MB***Assigned to:* Martin R. Barash

Chapter 7

Voluntary

No asset

*Date filed:* 09/25/2017*341 meeting:* 11/20/2017*Deadline for objecting to discharge:* 01/02/2018*Deadline for financial mgmt. course:* 01/02/2018**Debtor****Robert Benjamin Sautter**

3859 Sherwood Pl

Sherman Oaks, CA 91423

LOS ANGELES-CA

818-390-2426

SSN / ITIN: xxx-xx-1302

represented by **Raymond Perez**

8607 Imperial Hwy Ste 100

Downey, CA 90242

562-862-9944

Fax : 562-862-3169

Email: [rperczlaw@clangeles.com](mailto:rperczlaw@clangeles.com)**TERMINATED: 11/06/2017****Kevin T Simon**

Simon Resnik Hayes LLP

15233 Ventura Blvd Ste 250

Sherman Oaks, CA 91403

818-783-6251

Fax : 818-783-6253

Email: [kevin@srhlawfirm.com](mailto:kevin@srhlawfirm.com)**Trustee****David Seror (TR)**

21650 Oxnard Street, Suite 500

Woodland Hills, CA 91367

(818) 827-9200

**U.S. Trustee****United States Trustee (SV)**

915 Wilshire Blvd, Suite 1850

Los Angeles, CA 90017

(213) 894-6811

Filing Date	#	Docket Text
09/25/2017	<u>1</u> (17 pgs; 3 docs)	Chapter 7 Voluntary Petition for Individuals . Fee Amount \$335 Filed by Robert Benjamin Sautter Statement of Intention for Individuals Filing Under Chapter 7 (Form 108) due 10/25/2017. Summary of Assets and Liabilities (Form 106Sum or 206Sum ) due 10/10/2017. Schedule A/B: Property (Form 106A/B or 206A/B) due 10/10/2017. Schedule C: The Property You Claim as Exempt (Form 106C) due 10/10/2017. Schedule D: Creditors Who Have Claims Secured by Property (Form 106D or 206D) due 10/10/2017. Schedule E/F: Creditors Who Have Unsecured Claims (Form 106E/F or 206E/F) due 10/10/2017. Schedule G: Executory Contracts and Unexpired Leases (Form 106G or 206G) due 10/10/2017. Schedule H:



		<p>Declaration About an Individual Debtors Schedules (Form 106Dec) due 10/10/2017. Statement of Financial Affairs (Form 107 or 207) due 10/10/2017. Chapter 7 Statement of Your Current Monthly Income (Form 122A-1) Due: 10/10/2017. Statement of Exemption from Presumption of Abuse (Form 122A-1Supp) Due: 10/10/2017. Chapter 7 Means Test Calculation (Form 122A-2) Due: 10/10/2017. Cert. of Credit Counseling due by 10/10/2017. Statement of Related Cases (LBR Form F1015-2) due 10/10/2017. Declaration by Debtors as to Whether Income was Received from an Employer within 60-Days of the Petition Date (LBR Form F1002-1) due by 10/10/2017. Incomplete Filings due by 10/10/2017. (Cetulio, Julie) (Entered: 09/25/2017)</p>
09/25/2017	<u>2</u> (3 pgs)	<p>Meeting of Creditors with 341(a) meeting to be held on 11/03/2017 at 09:30 AM at RM 100, 21041 Burbank Blvd., Woodland Hills, CA 91367-6003. Objections for Discharge due by 01/02/2018. Cert. of Financial Management due by 01/02/2018 for Debtor and Joint Debtor (if joint case) (Cetulio, Julie) (Entered: 09/25/2017)</p>
09/25/2017	<u>3</u>	<p>Statement About Your Social Security Number (Official Form 121) Filed by Debtor Robert Benjamin Sautter . (Cetulio, Julie) (Entered: 09/25/2017)</p>
09/25/2017	<u>4</u> (3 pgs)	<p>Application to Proceed in forma pauperis Filed by Debtor Robert Benjamin Sautter (Cetulio, Julie) (Entered: 09/25/2017)</p>
09/25/2017	<u>5</u> (1 pg)	<p>Order Denying Application To Proceed in forma pauperis (Related Doc # <u>4</u>). Signed on 9/25/2017. (Cetulio, Julie) (Entered: 09/25/2017)</p>
09/25/2017		<p>Receipt of Chapter 7 Filing Fee - \$335.00 by 05. Receipt Number 10071016. (admin) (Entered: 09/25/2017)</p>
09/27/2017	<u>6</u> (4 pgs)	<p>BNC Certificate of Notice (RE: related document(s)<u>2</u> Meeting (AutoAssign Chapter 7)) No. of Notices: 2. Notice Date 09/27/2017. (Admin.) (Entered: 09/27/2017)</p>
09/27/2017	<u>7</u> (2 pgs)	<p>BNC Certificate of Notice (RE: related document(s)<u>1</u> Voluntary Petition (Chapter 7) filed by Debtor Robert Benjamin Sautter) No. of Notices: 1. Notice Date 09/27/2017. (Admin.) (Entered: 09/27/2017)</p>
09/27/2017	<u>8</u> (2 pgs)	<p>BNC Certificate of Notice (RE: related document(s)<u>1</u> Voluntary Petition (Chapter 7) filed by Debtor Robert Benjamin Sautter) No. of Notices: 1. Notice Date 09/27/2017. (Admin.) (Entered: 09/27/2017)</p>
10/09/2017	<u>9</u> (2 pgs)	<p>Substitution of attorney Filed by Debtor Robert Benjamin Sautter. (Perez, Raymond) (Entered: 10/09/2017)</p>

Main Document Page 10 of 24		
10/09/2017	<u>10</u> (2 pgs)	Certificate of Credit Counseling Filed by Debtor Robert Benjamin Sautter (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 7)). (Perez, Raymond) (Entered: 10/09/2017)
10/09/2017	<u>11</u> (2 pgs)	Declaration by Debtor as to Whether Debtor(s) Received Income From an Employer Within 60 Days of Petition (LBR Form F1002-1) Filed by Debtor Robert Benjamin Sautter (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 7)). (Perez, Raymond) (Entered: 10/09/2017)
10/09/2017	<u>12</u>	Statement About Your Social Security Number (Official Form 121) Filed by Debtor Robert Benjamin Sautter. (Perez, Raymond) (Entered: 10/09/2017)
10/09/2017	<u>13</u> (28 pgs; 2 docs)	Amended Schedule A/B Individual: Property (Official Form 106A/B or 206A/B) , Amended Schedule C: The Property You Claimed as Exempt (Official Form 106C) , Schedule G Individual: Executory Contracts and Unexpired Leases (Official Form 106G or 206G) , Schedule H Individual: Your Codebtors (Official Form 106H or 206H) , Statement of Related Cases (LBR Form 1015-2.1) , Summary of Assets and Liabilities for Individual (Official Form 106Sum or 206Sum) , Statement of Financial Affairs for Individual Filing for Bankruptcy (Official Form 107 or 207) , Declaration About an Individual Debtor's Schedules (Official Form 106Dec) , Disclosure of Compensation of Attorney for Debtor (Official Form 2030) , Chapter 7 Statement of Your Current Monthly Income (Official Form 122A-1) (BNC Option) , Statement of Intention for Individuals Filing Under Chapter 7 (Official Form 108) , Verification of Master Mailing List of Creditors (LBR Form F1007-1) , List of Creditors (Master Mailing List of Creditors) Filed by Debtor Robert Benjamin Sautter (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 7)). (Attachments: # <u>1</u> Amended Schedules) (Perez, Raymond) (Entered: 10/09/2017)
10/09/2017	<u>14</u> (3 pgs; 2 docs)	Amending Schedules (D) (E/F) Filed by Debtor Robert Benjamin Sautter. (Attachments: # <u>1</u> Amended Schedules) (Perez, Raymond) (Entered: 10/09/2017)
10/09/2017		Receipt of Amending Schedules D and/or E/F (Official Form 106D, 106E/F, 206D, or 206E/F) (Fee)(1:17-bk-12566-MB) [misc,amdsch] ( 31.00) Filing Fee. Receipt number 45732164. Fee amount 31.00. (re: Doc# <u>14</u> ) (U.S. Treasury) (Entered: 10/09/2017)
10/17/2017	<u>15</u> (1 pg)	Request for courtesy Notice of Electronic Filing (NEF) Filed by Hanawalt, Jamie. (Hanawalt, Jamie) (Entered: 10/17/2017)
11/06/2017	<u>16</u> (5 pgs)	Substitution of attorney <i>with proof of service</i> Filed by Debtor Robert Benjamin Sautter. (Simon, Kevin) (Entered: 11/06/2017)

11/06/2017	17	Continuance of Meeting of Creditors (Rule 2003(e)) (Trustee's 341 Filings) 341(a) Meeting Continued to be held on 11/20/2017 at 01:30 PM at 21041 Burbank Blvd, Woodland Hills, CA 91367-6603. Debtor absent. (Seror (TR), David) (Entered: 11/06/2017)
11/15/2017	<u>18</u> (2 pgs)	Notice of Change of Address <i>with proof of service</i> Filed by Debtor Robert Benjamin Sautter. (Simon, Kevin) (Entered: 11/15/2017)

PACER Service Center			
Transaction Receipt			
11/15/2017 18:11:16			
<b>PACER Login:</b>	mr0167pacer:2601723:0	<b>Client Code:</b>	Gruenfeldt/ Martucci
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:17-bk-12566-MB Fil or Ent: filed From: 8/17/2000 To: 11/15/2017 Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30

# **EXHIBIT “B”**



WWW.ASSURANCEESCROWINC.COM  
8255 Firestone Blvd., Suite 401  
Downey, CA 90241

Phone: (562) 419-7587  
Fax: (562) 321-9739

**SELLER'S ESTIMATED SETTLEMENT STATEMENT**

**PROPERTY:** 3859 Sherwood Place  
Sherman Oaks, CA 91423

**DATE:** November 3, 2017

**SELLER:** Robert B Sautter, Co-Trustee, of the  
Misue Sautter Trust dated October 29,  
2002

**CLOSING DATE:** December 15, 2017  
**ESCROW NO.:** 000149-TK

**FINANCIAL CONSIDERATION**  
Total Consideration

**DEBITS**

**CREDITS**

335,000.00

**PAYOFF CHARGES - Financial Freedom Reverse Mortgage**  
[Total Payoff \$303,376.40]  
Principal Balance

303,376.40

**COMMISSION CHARGES**  
Modern Realtor Real Estate  
Evie Ryanti

8,375.00  
8,375.00

**TITLE/TAXES/RECORDING CHARGES - Titor Title**

Title - Owner's Title Insurance  
Transfer Tax - County to Los Angeles County  
Transfer Tax - City to City of Los Angeles  
Property Taxes 1st Installment 2017/2018 to Los Angeles County  
Tax Collector

1,269.00  
368.50  
1,507.50  
10,808.60

**ESCROW CHARGES - Assurance Escrow, Inc.**  
Title - Escrow Fee

920.00

**TOTAL**

\$ 335,000.00 \$ 335,000.00

**THIS IS AN ESTIMATE ONLY AND FIGURES ARE SUBJECT TO CHANGE**

# **EXHIBIT “C”**



Financial Freedom, a division of CIT Bank, N.A.  
P.O. Box 85400  
Austin, TX 78708  
Telephone: 1-800-441-4428 ♦ Fax: 1-866-914-9798

Date: 10/02/2017

Company Name:

Attn: Christina Rodriguez

Address

Via Facsimile:

Email:

Re: Loan Payoff Demand

Financial Freedom Loan No.: [REDACTED]

Borrower: Sautter, Misue

Property Address: 3859 Sherwood Place  
Sherman Oaks, CA 91423

This quote reflects important information regarding the Payoff process for your loan. Please read thoroughly.

\*\*\*\*\*Statement of Account\*\*\*\*\*

For informational purposes only. We reserve the right to correct any error or omission in this Payoff quote. This Payoff quote is void after 10/10/2017. You must confirm the Payoff amount prior to remitting funds.

### LOAN PAYOFF DEMAND STATEMENT

Principal Advances	\$693,098.60
Accrued Interest	\$881,910.74
Monthly Servicing Fees	\$4,410.00
Servicing Advances *	\$0.00
Insurance Loss Credit	(\$553,000.00)
Actual Incurred Attorney Fees & Costs	\$219.05
Actual Incurred Appraisal Expenses	\$575.00
<hr/>	
Loan Payoff Amount as of 10/10/2017	\$1,027,213.39
Daily Interest @ 6.448 % 10/2017	\$278.53

The insurance loss credit that appears may be paid out in some portion by the time you submit your loan payoff funds.

If this is the case, your payoff amount will increase by the amount that is disbursed.

If you have any questions, please contact us at 1-800-441-4428 between the hours of 7:00 a.m. and 7:00 p.m. (CST) Monday-Thursday and 7:00 a.m. and 5:00 p.m. (CST) on Fridays.

**\* IMPORTANT:** If you tender a payment to pay off the loan amount which is less than the total amount due on the date of your payment, we reserve the right to reject your payment. *Again, we strongly urge you to contact us at 1-800-441-4428 before remitting any funds to confirm the precise amount due as of that date. Failure to confirm the exact amount due could result in funds that are insufficient to pay off the debt in full, and could result in a delay in processing the full payoff.*

**IMPORTANT:** This payoff quote is only accurate through 10/10/2017. The Daily Interest (i.e., the "per diem") may be different from month to month, thus the per diem for this month is shown above. If the payoff funds are not received by 10/10/2017, you must request an updated payoff quote. Any overage received will be refunded.

Please note that any interim borrower draws or unforeseen cash out advances charged to the principal will be additional amounts due to pay the loan in full.

### IMPORTANT INSTRUCTIONS! PLEASE READ!

Please wire Payoff funds to:

Wells Fargo Bank  
ABA Routing No. 121000248  
Account No. 4121862783  
Beneficiary: CIT Bank, N.A.

**\*\*Please reference the Customer Name, Loan Number and Property Address to avoid any delays in processing.\*\*** Payoff funds received after 3:00 p.m. (CST) MUST include additional interest to the next business day.

Any funds not wired must be sent as **Certified Funds (non-certified funds will be returned); personal checks are not acceptable.** Payoff funds must be made payable and sent to:

**Financial Freedom, a division of CIT Bank, N.A., 2900 Esperanza Crossing, Austin, TX, 78758.  
Attn: Payoff Department Lock Box.**

Funds not wired must include per diem interest to allow for mail or delivery time. (Funds submitted to any other address could delay Payoff, causing additional interest to accrue.)

**\*\*Please return the "Loan Payoff Instructions" sheet which includes required refund recipient information to:**

**Fax# (866)914-9798 or mail to :**

**Financial Freedom, a division of CIT Bank, N.A., 2900 Esperanza Crossing, Austin, TX 78758.**

**Attn: Payoff Department Lock Box.**

If Payoff funds received are inadequate, Financial Freedom, a division of CIT Bank, N.A. will contact the sender of the funds to collect the shortage. If we cannot make contact, or the remaining funds have not been collected within three (3) business days, the original funds will be returned to the sender. Any overage of funds will be returned to the mortgagor thirty (30) to sixty (60) business days after the Payoff date. A Release or Reconveyance will be forwarded by our Lien Release Department following the payoff. For any questions, please call Customer Care at 1 (800) 441-4428.





Financial Freedom, a division of CIT Bank, N.A.  
P.O. Box 85400  
Austin, TX 78708  
Telephone: 1-800-441-4428 ♦ Fax: 1-866-914-9798

## LOAN PAYOFF INSTRUCTIONS

All payoff checks must be made payable to and sent to the following address:

**Financial Freedom Attention: Payoff Department Lock Box  
2900 Esperanza Crossing Austin, TX 78758**

Or via Wire Transfer to:

**Wells Fargo Bank, ABA Routing No. 121000248  
Account No. [REDACTED] Beneficiary: CIT Bank, N.A.**

**\*\*Please include the loan number for reference\*\***

**Note:** All payoff checks must be Certified Funds; personal or company checks are not acceptable.

## REQUIRED REFUND INFORMATION

Please fill in all information in the spaces below. This information is required for Financial Freedom, a division of CIT Bank, N.A. ("Financial Freedom") to process any refund that may be owed after the payoff funds are applied to the loan.

**Financial Freedom Loan No.:** [REDACTED]

**Borrower Name(s):** Sautter, Misue

**Please select who should be the payee on the refund check (check only one):**

- ☐ Borrower(s) – (only if not deceased)  
☐ The Estate of the deceased borrower  
☐ Trust

**Important:** Under no circumstances may a check be made payable to anyone other than the recipients listed above. If this form is incomplete, a refund check will be mailed to the last known address of the borrower(s).

## REFUND MAILING INSTRUCTIONS

***Mail the refund check to the name and address below:***

**Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_ **Phone #** \_\_\_\_\_

**Contact e-mail address:** \_\_\_\_\_

---

Financial Freedom, a division of CIT Bank, N.A. \* PO Box 85400 \* Austin, TX 78708  
(800) 441-4428 \* (866) 914-9798 Facsimile

# **EXHIBIT “D”**

This page is part of your document - DO NOT DISCARD



**20171000698**



Recorded/Filed In Official Records  
Recorder's Office, Los Angeles County,  
California

09/01/17 AT 01:27PM

Pages:  
0004

FEES:	24.00
TAXES:	0.00
OTHER:	0.00
<b>PAID:</b>	<b>24.00</b>



LEADSHEET



201709010740020

00014190298



008565986

SEQ:  
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED

8225304

Recording Requested By and When Recorded Mail To:

Santa Fe General Construction, Inc.  
7912 Ventura Canyon Avenue  
Panorama City, CA 91402

Space above this line for recorder's use only  
(To be recorded in the county recorder's office  
in the county in which the property is located.)

### MECHANICS LIEN

NOTICE IS HEREBY GIVEN that Claimant Santa Fe General Construction, Inc.  
7912 Ventura Canyon Ave., Panorama City, CA 91402 (legal name and address), claims a lien for labor, service,  
equipment, or material under Section 8000 et. seq. of the Civil Code of the State of California, upon the premises  
hereinafter described, and upon every estate or interest in such structures, improvements and premises held by any party  
holding any estate therein. The work was furnished for the construction of those certain buildings, improvements, or  
structures, now upon that certain parcel of land situated in the County of Los Angeles, State of  
California, said land described as follows:

STREET ADDRESS: 3859 Sherwood Place, Sherman Oaks, CA 91423  
and/or

LEGAL DESCRIPTION: Lot 28 of Tract 10150 as per Map recorded in Book 143 Pages 21 through 24 inclusive  
of Maps in the Office of the County Recorder of Said County

The lien is claimed for the following labor, services, equipment or materials furnished by the Claimant:  
General construction repair including electrical, plumbing, and HVAC. (describe generally). Claimant  
is owed \$ 141,231.00 for work furnished to the work of improvement, after deducting all just credits and  
offsets, plus interest at the legal rate from the date of this lien.

The name of the person or company by whom Claimant was employed, or to whom Claimant furnished the work  
is: Humberto Lara, Co-Trustee of THE KINGSLEY TRUST and CLEARVIEW TRUST

The name(s) and address(es) of the owner(s) or reputed owner(s) of the real property is/are:

3859 Sherwood Place, Sherman Oaks, CA 91423 Humberto Lara, Co-Trustee of THE KINGSLEY TRUST  
and CLEARVIEW TRUST

Name of Claimant: Santa Fe General Construction, Inc.

Date: Aug. 17, 2017

By: [Signature]  
Signature

Jubilio Escalera, President

Print Name & Authorized Capacity

#### Verification

I, the undersigned, declare: I am the Jubilio Escalera, President (authorized capacity/title), for the Claimant named in the foregoing  
claim of mechanics lien: I am authorized to make this verification for the Claimant: I have read the foregoing claim of mechanics lien and know the  
contents thereof, and the same is true of my knowledge. I certify (or declare) under penalty of perjury under the laws of the State of California that  
the foregoing is true and correct.

Executed on Aug 17, 20 17 at Los Angeles, California.

[Signature]  
Signature of Claimant or Authorized Agent

**PROOF OF SERVICE AFFIDAVIT**  
**California Civil Code section 8416**

Failure to serve the Mechanics Lien and Notice of Mechanics Lien on the owner, or alternatively if the owner cannot be served on the lender or original contractor, shall cause the Mechanics Lien to be unenforceable as a matter of law (Civil Code Section 8416(a)). Service of the Mechanics Lien and Notice of Mechanics Lien must be by (1) registered mail, (2) certified mail, or (3) first-class mail evidenced by a certificate of mailing, postage prepaid, and to a residence or business address for the owner, lender or contractor. Further, a Proof of Service Affidavit (below) must be completed and signed by the person serving the Mechanics Lien and Notice of Mechanics Lien. This page should be completed (either one of the sections below) and recorded with the County Recorder along with the Mechanics Lien and Notice of Mechanics Lien.

**AFFIDAVIT FOR SERVICE ON THE OWNER**

California Civil Code Section 8416 (a)(7) and (c)(1)

I, Jubilio Escalera (name), declare that I served a copy of this Mechanics Lien and Notice of Mechanics Lien by registered mail, certified mail, or first-class mail evidenced by a certificate of mailing, postage prepaid, addressed as follows to the owner(s) or reputed owner(s) of the property:

Company/Person served: Humberto Lara, Co-Trustee of THE KINGSLEY TRUST and CLEARVIEW TRUST

Title or capacity of person or entity served: Owner: Humberto Lara, Co-Trustee of THE KINGSLEY TRUST and CLEARVIEW TRUST

Service Address: 818 Poppy Ct. Oakdale, CA 95381

Said service address is the owner's residence, place of business, or address shown by the building permit on file with the permitting authority for the work or the address identified on the construct trust deed.

Executed on Aug 14, 2017 (date), at Los Angeles (city), California.

By: [Signature]  
(signature of person serving)

**ALTERNATE AFFIDAVIT FOR SERVICE ON THE CONSTRUCTION LENDER OR ORIGINAL CONTRACTOR**

California Civil Code Section 8416 (a)(7) and (c)(2)

I, \_\_\_\_\_ (name), declare that that the owner or reputed owner cannot be served with a copy of this Mechanics Lien and Notice of mechanics Lien by registered mail, certified mail, or first-class mail. Pursuant to California Civil Code section 8416, I served a copy of this Mechanics Lien and Notice of Mechanics Lien by registered mail, certified mail, or first-class mail evidenced by a certificate of mailing, postage prepaid, addressed as follows to the construction lender or original contractor as follows:

Company/Person served: \_\_\_\_\_

Title or capacity of person served (if appropriate): \_\_\_\_\_

Service Address: \_\_\_\_\_

Executed on \_\_\_\_\_, 20\_\_\_\_ (date), at \_\_\_\_\_ (city), California.

By: \_\_\_\_\_  
(signature of person serving)

**NOTICE OF MECHANIC'S LIEN  
ATTENTION!**

Upon the recording of the enclosed MECHANIC'S LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanic's lien is recorded.

The party identified in the mechanic's lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanic's lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanic's lien is released.

**BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANIC'S LIENS GO TO THE CONTRACTORS' STATE LICENSE BOARD WEB SITE AT [www.cslb.ca.gov](http://www.cslb.ca.gov).**

In re:

ROBERT BENJAMIN SAUTTER,

Debtor(s).

CHAPTER: 7

CASE NUMBER: 1:17-bk-12566-MB

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

15233 Ventura Boulevard, Suite 250, Sherman Oaks, CA 91403

A true and correct copy of the foregoing document entitled **MOTION TO COMPEL ABANDONMENT OF REAL PROPERTY, DECLARATION OF KEVIN T. SIMON IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On November 16, 2017 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

David Seror (TR):	mtzeng@brutzkugubner.com
United States Trustee (SV):	ustpreion16.wh.ecf@usdoj.gov
Kevin T Simon:	kevin@srhlawfirm.com
Aldridge Pite LLP	ecfcacb@aldridgepite.com

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:** On November 16, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on November 16, 2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

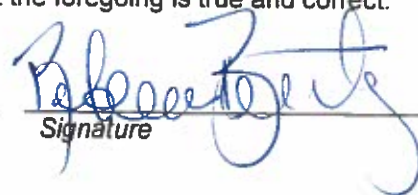
Judge's Copy: Honorable Martin R. Barash 21041 Burbank Boulevard, Suite 342 / Ctrm. 303 Woodland Hills, CA 91367

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 16, 2017  
Date

Rebeca Benitez  
Printed Name

  
Signature

In re:  ROBERT BENJAMIN SAUTTER,  <div style="text-align: right;">Debtor(s).</div>	CHAPTER: 7  CASE NUMBER: 1:17-bk-12566-MB
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**CONTINUED SERVICE LIST****Debtor(s):**

Robert Benjamin Sautter  
5711 Reseda Blvd  
Tarzana, CA 91356

**Chapter 7 Trustee (Certified Mail)**

David Seror (TR)  
21650 Oxnard Street, Suite 500  
Woodland Hills, CA 91367

**Office of the United States Trustee (Certified Mail)**

915 Wilshire Blvd., Ste 1850  
Los Angeles, CA 90017

**Financial Freedom (Statement) (Certified Mail)**

The Reverse Mortgage Specialists  
PO Box 85400  
Austin, TX 78708  
Attn: Jim Mahoney, CEO

**Financial Freedom, a division of CIT Bank, N.A. (Payoff Statement) (Certified Mail)**

2900 Esperanza Crossing  
Austin, TX 78758  
Attn: Jim Mahoney, CEO

**Financial Freedom Senior Funding Co (Statement) (Certified Mail)**

3009 Douglas Blvd  
Roseville, CA 95661  
Attn: Jim Mahoney, CEO

**Financial Freedom Senior Funding Co (Entity) (Certified Mail)**

C/O FDIC  
1601 BRYAN STREET, 30TH FLOOR  
DALLAS TX 75201  
Attn: Principal

**Agent for Service of Process for Financial Freedom Senior Funding Co (Certified Mail)**

C T CORPORATION SYSTEM  
818 W SEVENTH ST STE 930  
LOS ANGELES CA 90017

**Financial Freedom Senior Funding Co (Payoff Statement) (Certified Mail)**

PO Box 85400  
Austin, TX 78708  
Attn: Jim Mahoney, CEO

**CIT Bank, National Association (FDIC) (Certified Mail)**

95 South Lake Ave  
Pasadena, CA 91101  
Los Angeles County  
Attn: Ellen R. Alemany, CEO

**Cit Group (Entity) (Certified Mail)**

1 CIT DR #2108-A  
LIVINGSTON NJ 07039  
Attn: Ellen R. Alemany, CEO

**Agent for Service of Process for Cit Group (Certified Mail)**

C T CORPORATION SYSTEM  
818 W SEVENTH ST STE 930  
LOS ANGELES CA 90017

**Santa Fe General Construction, Inc (Judgment & Entity) (Certified Mail)**

7912 Ventura Canyon Avenue  
Panorama City, CA 91402  
Attn: Jubilio Escalera, President

**Agent for Service of Process for Santa Fe General Construction, Inc (Certified Mail)**

JUBILIO ESCALERA  
7912 VENTURA CANYON AVE  
PANORAMA CITY CA 91402

**Burbank City Fed Credit Union**

1800 West Magnolia Blvd  
Attn: Loan Servicing  
Burbank, CA 91506

**Franchise Tax Board**

Attn: Bankruptcy Unit  
P.O. Box 2952  
Sacramento, CA 95812-2952

Humberto Lara, Co-Trustee of the Kingsley Trust and Clearview Trust  
818 Poppy Court  
Oakdale, CA 95381

**Internal Revenue Service**

P.O. Box 7346  
Philadelphia, PA 19101-7346

**Internal Revenue Service**

Federal Payment Levy Program  
Stop 686; PO Box 57  
Bensalem, PA 19020

**OneMain Financial**

Attn: Bankruptcy Department  
601 NW 2nd St, Ste 300  
Evansville, IN 47708

**USAA Savings Bank**

10750 McDermott Freeway  
San Antonio, TX 78288

**Jamie D Hanawalt**

Aldridge Pite LLP  
4375 Jutland Dr  
San Diego, CA 92117